



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

AUG 30 2005

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

George Holloway, Vice President of Engineering  
Scott Brass, Inc.  
31140 Edison Road  
New Carlisle, Indiana 46552

Re: Finding of Violation  
Scott Brass, Inc.  
New Carlisle, Indiana

Dear Mr. Holloway:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Scott Brass, Inc. (you). We find that you are violating Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e), and Sections 502(a) and 503(c) of the Act, 42 U.S.C. §§ 7661a(a) and 7661b(c) at your New Carlisle, Indiana facility.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Kushal Som. You may call him at (312) 353-5792 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Rothblatt", with a long horizontal flourish extending to the right.

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: David McIver, Chief  
Air Section  
Indiana Department of Environmental Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Scott Brass, Inc.,	)	<b>FINDING OF VIOLATION</b>
New Carlisle, Indiana	)	
	)	<b>EPA-5-05-19-IN</b>
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that Scott Brass, Inc., (Scott Brass) is violating Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e), and Sections 502(a) and 503(c) of the Act, 42 U.S.C. §§ 7661a(a) and 7661b(c). Specifically, Scott Brass is violating the New Source Performance Standards (NSPS) for secondary brass and bronze production plants at 40 C.F.R. Part 60, Subpart M, the NSPS General Provisions at 40 C.F.R. Part 60, Subpart A and the Title V Operating Permit requirements in Sections 502(a) and 503(c) of the Act and 40 C.F.R. Part 70, as follows:

**Statutory and Regulatory Authority**

**New Source Performance Standards**

1. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of a NSPS after the effective date of the applicable NSPS to such source.
2. The NSPS for secondary brass and bronze production plants at 40 C.F.R. Part 60, Subpart M, applies to the following affected facilities, which commenced construction or modification after June 11, 1973, in secondary brass and bronze production plants: electric furnaces with a production capacity of 1,000 kg (2205 lb).
3. "Affected facility" under the NSPS means, with reference to a stationary source, any apparatus to which a standard is

applicable. 40 C.F.R § 60.2.

4. 40 C.F.R. § 60.2 defines "construction," as the fabrication, erection or installation of an affected facility.
5. 40 C.F.R. § 60.7(a)(1) requires that an owner or operator furnish the Administrator with a written notification of the date construction of an affected facility is commenced. This notification shall be postmarked no later than 30 days after such date.
6. 40 C.F.R. § 60.7(a)(3) requires that an owner or operator furnish the Administrator with written notification of the actual date of initial start-up of an affected facility. This notification must be postmarked no later than 15 days after such date.
7. 40 C.F.R. § 60.132(b) prohibits an owner or operator to discharge or cause the discharge into the atmosphere from an electric furnace any gases which exhibit 10 percent opacity or greater.
8. 40 C.F.R. §§ 60.11(e)(1) and 60.133(b)(2) require the owner or operator of an affected facility to conduct an initial Method 9 visible emission test within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial start-up of the facility.
9. 40 C.F.R. § 60.7(a)(6) requires that an owner or operator furnish the Administrator with a written notification of the anticipated date for conducting the opacity observations required by 40 C.F.R. § 60.11(e)(1), postmarked not less than 30 days prior to the anticipated test date.

#### Title V Permit Requirement

10. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that it shall be unlawful for any person to violate any requirement of a Title V permit or to operate a major source without a Title V permit. Section 502(b) of the Act, 42 U.S.C. § 7661a(b), requires the Administrator of U.S. EPA to promulgate regulations establishing the minimum elements of a Title V permit program.
11. On July 21, 1992, U.S. EPA promulgated regulations required by the Act for Title V state operating permit programs. 57 Fed. Reg. 32295. These regulations are codified at

40 C.F.R. Part 70.

12. 40 C.F.R. § 70.1(b) provides that all sources subject to the regulations at Part 70 shall have a permit to operate that assures compliance by the source with all applicable requirements.
13. 40 C.F.R. § 70.5(a) provides that each owner or operator shall submit a timely and complete permit application.
14. 40 C.F.R. § 70.5(a)(2) provides, among other things, that information required under 40 C.F.R. § 70.5(c) must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. U.S. EPA promulgated final approval of the Indiana Title V program on November 14, 1995 (60 Fed. Reg. 57188), as codified in 326 Indiana Administrative Code (IAC) 2-7. The program became effective on December 14, 1995. See 40 C.F.R. Part 70, Appendix A.
15. 326 IAC 2-7, Section 2 requires that any source, including an area source, that is subject to a standard, limitation or other requirement under Section 111 of the Clean Air Act, apply for a Part 70 Title V permit.


#### **Scott Brass' Facility**

15. Scott Brass owns and operates a secondary brass and bronze production plant at 31140 Edison Road in New Carlisle, Indiana. The plant contains the following furnaces:
  - two electric induction melting furnaces
  - two electric induction holding furnaces
16. These four electric induction furnaces were installed on September 8, 1997. The furnaces began operation on December 31, 1997. The melting furnaces operate in batch mode, and have an approximate capacity of 13,000 pounds each. The holding furnaces also operate in batch mode, and have an approximate capacity of 8,000 pounds each.
17. Scott Brass' four electric induction furnaces, two electric induction melting furnaces and two electric induction holding furnaces, are subject to the requirements at 40 C.F.R. Part 60, Subpart A and Subpart M because these affected units were constructed and began operation after June 11, 1973.

**Violations**

18. Scott Brass' failure to conduct a Method 9 visible emission test within 60 days of achieving a maximum production rate, but not later than 180 days after start-up of its four electric induction furnaces, two electric induction melting furnaces and two electric induction holding furnaces, constitutes a violation 40 C.F.R. §§ 60.11(e)(1) and 60.133(b)(2).
19. Scott Brass' failure to provide written notice to the U.S. EPA of the initial Method 9 visible emission test, required by 40 C.F.R. §§ 60.11(e)(1) and 60.133(b)(2), no less than 30 days of the anticipated date of this test, is a violation of 40 CFR § 60.7(a)(6).
20. Scott Brass' failure to provide written notice to the U.S. EPA of the date of the commencement of construction for its four electric induction furnaces no later than 30 days after such date, is a violation of 40 C.F.R. § 60.7(a)(1).
21. Scott Brass' failure to provide written notice to the U.S. EPA of the actual date of initial start-up within 15 days after such date, which is a violation of 40 C.F.R. § 60.7(a)(3).
22. Scott Brass' failure to apply for a Title V permit before the date of construction is a violation of 326 IAC 2-7.

8/30/2005  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

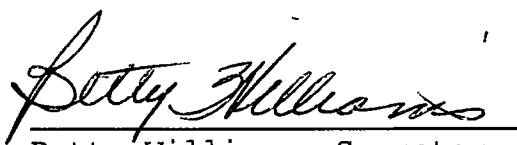
I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-05-19-IN, by Certified Mail, Return Receipt Requested, to:

George Holloway  
Vice President of Engineering  
Scott Brass, Inc.  
31140 Edison Road  
New Carlisle, Indiana 46552

I also certify that I sent copies of the Finding of Violation by first class mail to:

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1001  
Indianapolis, Indiana 46206-6015

on the 31st day of August, 2005.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 000602952928